



THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: January 8, 2015


G. Michael Halfenger
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

IN RE: Wayne Lewis, Case No. 14-28819-GMH
Debtor. Chapter 13

Wayne Lewis, Adv. Case No. 14-2578

Plaintiff,

v.

Wells Fargo Bank, N.A.,
Defendant.

ORDER GRANTING DEFAULT JUDGMENT

The defendant holds both a first and second mortgage lien on the plaintiff's property. The plaintiffs filed an adversary complaint seeking to establish the value of the defendant's interest with respect to its second mortgage on the plaintiff's real property located at 8128 West Clovernook Street, Milwaukee, WI 53223. The complaint alleges that the value of the property is less than the amount due and owing on the first mortgage lien on the property, and that there is no equity in the property to which the defendant's second mortgage lien can attach. The complaint requests that the court determine that

there is no equity to which the second mortgage lien may attach, and that it permit the defendant's claim, with respect to its second mortgage, to be treated as unsecured in this Chapter 13 case. The plaintiff properly served the complaint on the defendant pursuant to Bankruptcy Rule 7004, and the defendant failed to answer or appear. The plaintiff submitted evidence sufficient to establish the truth of the allegations in the complaint.

Accordingly, the court grants default judgment in favor of the plaintiff, and it finds and declares:

1. The value of the property is less than the amount of the claim secured by the first mortgage lien that is senior to the defendant's second mortgage lien.
2. Pursuant to 11 U.S.C. §506(a), claim #11 of Wells Fargo Bank, N.A. is allowed as a general, unsecured claim and not an allowed, secured claim.
3. Upon completion of a plan so providing, Wells Fargo Bank, N.A.'s second mortgage lien encumbering the property will be extinguished.

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